

## REMARKS

This is in response to the Office Action dated June 15, 2006.

### **I. SUMMARY OF OFFICE ACTION**

In the Office Action, the Examiner has rejected claims 1-9, 11, 12, 14, and 15 under 35 U.S.C. § 102(b), based on U.S. Patent No. 5,491,418 to Alfaro et al. The remaining claims 10, 13, and 16-23 have been rejected under 35 U.S.C. § 103(a), again based upon the Alfaro et al. reference.

### **II. APPLICANT'S RESPONSE**

As understood the Alfaro reference utilizes a plug adapter, connectible to a diagnostic tool, which includes a connective pattern detectable by the diagnostic tool to implement a diagnostic communications configuration corresponding to specific vehicle diagnostic classifications.

The Alfaro reference is not understood to correlate the adapter-plug connective pattern to a specific vehicle communications protocol(s), but rather to diagnostic configurations that are associated with vehicle make, model and year. The reference indicates as follows:

More specifically, in accord with the first aspect of this invention, automatic vehicle identification and diagnostic tool initialization are provided through a vehicle specific connector adapter... [Column 1 Lines 58-61]

\* \* \*

Adaptor 10 includes electrical element 22 for vehicle or device identification as described. [Column 5 Lines 27-28]

\* \* \*

The flow of operations are provided for general illustration of a start up controller at the beginning of a diagnostic test, at which it attempts to identify the vehicle under test and establish a communication setup compatible with the communication link of that vehicle . [Column 8 Lines 8-10]

\* \* \*

After reading the ID signal, test vehicle identification information is referenced at Step 206, wherein such information may include vehicle make, model year, model and other identification information. This identification information may be referenced by selecting the vehicle identification information from a conventional lookup table in controller non-volatile memory that is stored corresponding to the value of the ID signal read at Step 204. [Column 8 Lines 26-34]

As indicated above, the Alfaro reference utilizes a vehicle specific connector adapter. Accordingly, it appears that the Alfaro reference contemplates use of a large number of adapters, each correlated to a database of vehicle specific information, which may include protocol specific information. As such, in the Alfaro reference the protocol information appears to be more derivative, i.e. a part of the vehicle specific information, but is not directly correlated to the adapter-plug connector pattern. By comparison, the present invention provides for a protocol(s) specific connector, which, correlates directly to the physical features of the connector to one or more protocols.

Given the desirability of making diagnostic devices simple to operate, and therefore useful to untrained users, the distinctions between Applicant's invention and the invention set forth in the Alfaro reference are significant. By recognizing the appropriate protocol(s) the diagnostic device may implement testing functions that can provide at least basic diagnostic information regarding the status of vehicle systems. An untrained user may therefore perform basic diagnostic functions by simply selecting an appropriate connector that connects to the diagnostic port. The present invention avoids the need for maintaining a large array of vehicle specific connectors and an accompanying index. Such contemporary

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systems are likely to be bulky, expensive, require extensive memory for storing diagnostic data for many makes and models of vehicles and, therefore, are unsuitable for use by untrained users.

Applicant submits that nothing in the Alfaro reference suggests a method for configuring a diagnostic device to implement diagnostic functions based on physical features of a connector that specifically identifies communications protocol(s). Applicant further submits that, that had such an implementation been within the scope of the Alfaro disclosure, it would have been stated, insofar as it would allow the process of retrieving diagnostic data to proceed far more simply, with less memory requirements, and allow for greater use by untrained users. As such, the disclosure of the Alfaro reference appears to be more appropriate to pre-OBD-II vehicles, non-OBD-II vehicles, or other applications where more detailed diagnostic information is desired.

In view of the forgoing, the application is believed to be in a condition for allowance. Should any outstanding matters remain the Examining Attorney is invited to contact Applicant's representative at the telephone number below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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